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November 1, 1968

Mr. Omer J. Call, Esquire
First Security Bank Building
Brigham City, Utah 84302

Dear Mr. Call:

R. George Creek

Your letter dated October 16, 1968, and addressed to the State Engineer in Salt Lake City concerning the George Creek water distribution has been referred to me for answering.

In your second paragraph you state that it is your understanding that during the winter the waters of George Creek are to be used to meet stockwatering requirements of the claimants on George Creek. You also state that you particularly thought it was determined that the last user on the west branch, Wallace Spencer, was not to be turned the entire stream for irrigation during the non-irrigation season, also permitting excess water to run into the State of Idaho. I have talked recently with the commissioner on this particular item, and he has indicated to me that there is no water going into the State of Idaho and also that Mr. Spencer is not using the water flowing onto his property for irrigation purposes. If you can supply me with any information contrary to this, it would be very much appreciated.

In paragraph No. 4, you refer to a meeting held in 1964, and a subsequent letter stating how the water was to be distributed. You will recall that the letter stated that the proposed determination would be followed and that any deviation from the proposed determination would have to be by mutual agreement of all parties concerned. This is still the policy of the State Engineer, and I have ordered the commissioner to follow the proposed determination except as stated above.

As you are undoubtedly aware, Mr. Wallace Spencer has a stockwatering right prior to any of the other rights on George Creek. Therefore, in order to follow the proposed determination of water rights, it is necessary that Mr. Spencer be supplied with water for stockwatering purposes prior to any other users being supplied. However, if Mr. Spencer is, in fact using the water for irrigation purposes, and if

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there is existing water running into the State of Idaho, this should be altered and the excess water should be delivered to other users in order of their priority.

As I stated above, if you have any additional information which would indicate that the proposed determination is not being followed either as to rights or as to beneficial use of water, I would very much appreciate hearing from you.

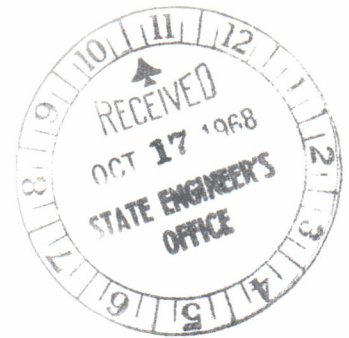
Yours truly,

Dee C. Hansen
Area Engineer
P. O. Box 381
Logan, Utah 84321

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OMER J. CALL
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
BRIGHAM CITY, UTAH
16 October 1968



State Engineer
Capitol Building
Salt Lake City, Utah

Re: George Creek Distribution

Attention: Deputy Hubert C. Lambert

Dear Sir:

In the past I have represented a number of water users, including shareholders in the George Creek Irrigation Company, Yost, Utah, and we have had, both meetings with the State Engineer at Yost, and hearings in the District Court here in Brigham City.

It was my understanding that during the wintertime the waters of George Creek were to be used to meet stock watering requirements of claimants on George Creek. I particularly thought it was determined that the last user on the west branch, Wallace Spencer, was not to be turned the entire stream so that water ended up being used during the wintertime for irrigation, flooding and ran off as excess water into the State of Idaho.

I am now advised that this situation prevails and that upstream water users are not being allowed any stock watering and particularly the east branch of George Creek has no water turned to it. As I recall the court's view on this matter, it was that upstream stock waterers would, if necessary, be entitled to fill a reservoir for stock watering on a turn basis.

After our meeting of November 19, 1964, at Yost, and your letter of December 7, 1964, the winter water was distributed equitably and beneficially for all stock waterers for several years, but lately the water is again being shut off to all users except Mr. Spencer who now appears to have an excess for his stock watering needs and/or rights.

I would appreciate your attention and advise concerning this problem.

Yours very truly,

Omer J. Call

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